

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESUS SILVA,

Petitioner,

v.

WARDEN, CCI,

Respondent.

CASE NO. 2:16-CV-00381

JUDGE JAMES L. GRAHAM

Magistrate Judge Elizabeth A. Preston Deavers

OPINION AND ORDER

On July 29, 2016, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss for Lack of Jurisdiction* (ECF No. 6) be granted and that this action be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition. (ECF No. 7.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 7) is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss for Lack of Jurisdiction* (ECF No. 6) is **GRANTED**. This action is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

IT IS SO ORDERED.

Date: September 6, 2016

s/James L. Graham
JAMES L. GRAHAM
United States District Judge